



General Assembly

January Session, 2001

Committee Bill No. 5426

LCO No. 3680

Referred to Committee on Public Health

Introduced by:
(PH)

**AN ACT CONCERNING STANDARDIZED AUTOPSY CONSENT
FORMS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 19a-286 of the general statutes is repealed and the following
2 is substituted in lieu thereof:

3 (a) Whenever any person dies and no postmortem examination or
4 autopsy has been ordered pursuant to subsection (b) of section 19a-
5 406, no physician shall conduct or assist in conducting any
6 postmortem examination or autopsy upon the body of such deceased
7 person without first obtaining the consent of whichever one of the
8 following persons, eighteen years of age or older, assumes custody of
9 the body for the purposes of burial: Father, mother, husband, wife,
10 child, guardian, next of kin, friend or any person charged by law with
11 the responsibility for burial. If two or more persons assume custody of
12 the body, consent of one of them shall be deemed sufficient. [Any]
13 Prior to January 1, 2002, any such consent may be in writing or may be
14 given by telegram, and any telegram purporting to have been sent by a
15 person authorized to give such consent shall be conclusively presumed
16 to have been sent by such person, or may be given by telephone,

17 provided a record of any such consent by telephone shall be kept by
18 such physician for not less than three years. On and after January 1,
19 2002, such consent shall be made using the written consent form
20 developed pursuant to subsection (c) of this section, provided such
21 consent form may be transmitted in person, electronically or by mail or
22 courier. If the physician who is to conduct or assist in conducting any
23 postmortem examination or autopsy, after due inquiry and diligence,
24 is unable to find any person authorized to give consent as provided for
25 [herein] in this subsection, such postmortem examination or autopsy
26 may be made by such physician without such consent but only after a
27 reasonable time, which shall not be less than twelve hours nor more
28 than forty-eight hours, has elapsed. Any person violating any
29 provision of this subsection or subsection (b) of this section shall be
30 fined not more than five hundred dollars.

31 (b) Any person authorized to consent to an autopsy under
32 subsection (a) of this section may require that if an autopsy is
33 performed it be performed by, or attended by, a physician who is not
34 affiliated with the institution where the deceased person died. The
35 physician seeking consent to an autopsy shall inform the person
36 authorized to give consent of the right to request performance or
37 attendance by a nonaffiliated physician. Such information shall be
38 given orally and shall be included in [any] the written consent form
39 developed pursuant to subsection (c) of this section.

40 (c) Not later than January 1, 2002, the Commissioner of Public
41 Health, in consultation with the Chief Medical Examiner, shall develop
42 and make available a standardized written autopsy consent form that:
43 (1) Includes clear information regarding who will perform the autopsy
44 and provides the family of the deceased person with an opportunity to
45 state any specific requests or concerns that they may have; (2) insures
46 an impartial and objective autopsy result; (3) includes an express
47 indication of the capacity of the person performing the autopsy; (4)
48 provides a section for family members to submit specific requests with
49 respect to tests to be performed during the autopsy; and (5) provides

50 that the consent signature be accompanied by the signature of a
51 witness.

Statement of Purpose:

To standardize hospital autopsy consent forms in order to safeguard family members' rights to a clear and objective autopsy and to give family members the opportunity to be part of the autopsy decision.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. MANTILLA, 4th Dist.